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Jeff Scott Eder

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ASSET TRUST, INC.  
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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/743,417  
Filing Date: December 22, 2003  
Appellant(s): EDER, JEFF SCOTT

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B. J. Bennett  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed January 31, 2010 appealing from the Office action mailed November 12, 2008.

**(1) Real Party in Interest**

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

**(2) Related Appeals and Interferences**

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

An Appeal for U.S. Patent Application 09/761,670 filed on January 19, 2001 may be affected by or have a bearing on this appeal. An Appeal for U.S. Patent Application 10/750,792 filed on January 3, 2004 may be affected by or have a bearing on this appeal. An Appeal for U.S. Patent Application 11/278,419 filed on April 1, 2006 may be affected by or have a bearing on this appeal.

**(3) Status of Claims**

Claims 125 – 150 are pending.

**(4) Status of Amendments After Final**

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

**(5) Summary of Claimed Subject Matter**

The examiner has no comment on the summary of claimed subject matter contained in the brief.

**(6) Grounds of Rejection to be Reviewed on Appeal**

Issue 1 -Whether claim 125, claim 126, claim 127, claim 128, claim 129, claim 130, claim 131, claim 132, claim 133, claim 134, claim 135, claim 136, claim 137, claim 138, claim 139, claim 140, claim 141, claim 142, claim 143, claim 144, claim 145, claim 146, claim 147, claim 148, claim 149 and claim 150 are obvious under 35 U.S.C. 103(a) given U.S. Patent 5,812,988 (hereinafter, Sandretto) in view of U.S. Patent 5,361,201 (hereinafter, Jost)?

Issue 2 - Whether claim 125, claim 126, claim 127, claim 128, claim 129, claim 130, claim 131, and/or claim 132 have utility and represent patentable subject matter under 35 U.S.C. 101?

Issue 3 - Whether claim 133, claim 134, claim 135, claim 136, claim 137, claim 138 and claim 139 have utility under 35 U.S.C. 101?

Issue 4- Whether claim 140, claim 141, claim 142, claim 143, claim 144, claim 145, claim 146 and claim 147 have utility under 35 U.S.C. 101?

Issue 5- Whether claim 148, claim 149 and claim 150 have utility under 35 U.S.C. 101?

Issue 6- Whether claim 125, claim 126, claim 127, claim 128, claim 129, claim 130, claim 131, claim 132, claim 133, claim 134, claim 135, claim 136, claim 137, claim 138, claim 139, claim 140, claim 141, claim 142, claim 143, claim 144, claim 145, claim 146, claim 147, claim 148, claim 149 and claim 150 are enabled under 35 U.S.C. 112, first paragraph?

Issue 7- Whether claim 125, claim 126, claim 127, claim 128, claim 129, claim 130, claim 131, claim 132, claim 133, claim 134, claim 135, claim 136, claim 137, claim 138,

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claim 139, claim 140, claim 141, claim 142, claim 143, claim 144, claim 145, claim 146, claim 147, claim 148, claim 149 and claim 150 are indefinite under 35 U.S.C. 112, second paragraph?

### **(7) Claims Appendix**

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

### **(8) Evidence Relied Upon**

SANDRETTO            US Patent 5,812,988

JOST ET AL.            US Patent 5,361,201

WAITE                US Patent 4,441,629

APPLICANT ADMITTED PRIOR ART

### **(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

### ***Specification***

#### **1. OBJECTION**

The abstract of the disclosure is objected to because it contains references to the drawings which obscure the purpose of the Abstract (See MPEP § 608.01(b)).

No correction has been received in response to this request in the Office Action mailed July 1, 2008.

Correction is required.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

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Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**2. Claims 125-132 are rejected under 35 USC 101** because the claimed invention is directed to non-statutory subject matter.

Claims 125-132 recite a process of a predictive model comprising the steps of receiving data into a plurality of initial predictive models, selecting a best fit predictive model, to improve such model through stages and to develop a final predictive model. Based on Supreme Court precedent, a proper process must be tied to another statutory class (machine) or transform underlying subject matter to a different state or thing (*Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876)). Since neither of these requirements is met by the claim, the method is not considered a patent eligible process under 35 U.S.C. 101. To qualify as a statutory process, the claim should positively recite the other statutory class to which it is tied, for example by identifying the apparatus that accomplished the method steps or positively reciting the subject matter that is being transformed, for example by identifying the material that is being changed to a different state.

Applicant is advised to satisfy the statutory requirements for the claims. Applicant is also advised not to add any new matter to the specification or the claims.

**3. Claims 125-150 are rejected under 35 USC 101** the claimed invention lacks patentable utility. The output of a predictive model is not tangible and the claimed invention is not supported by either a clearly asserted utility or a well established utility.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

**4. Claims 125-150 are rejected under 35 U.S.C. 112, first paragraph.**

Specifically, since the claimed invention is not supported by either a clearly asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention. The specification's guidelines for implementing the invention are filled with subjective judgments and lack a clear set of steps for implementing the invention. No two ordinary practitioners working independently would be able to replicate the end results of another practitioner who has used this invention because of the many subjective inputs and random model outcomes involved in this invention as described in the specification.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**5. Claims 125-150 are rejected under 35 U.S.C. 112, second paragraph,** as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The independent claims lack the structure needed to understand the invention. Manipulating general data with an unknown model is indefinite.

***Declarations Under Rule 132***

**6.** Applicant has submitted two declarations by Dr. Rick Rauenzahn and one declaration each by Mr. Gregory Cusanza and Dr. Peter Brous since the mailing of the most recent Office Action mailed June 18, 2008.

**a) RAUENZAHN Declaration Received June 30, 2008 Re. Application 10/821,504:**

The declaration under 37 CFR 1.132 is insufficient to overcome the rejection of claims 125-150 based upon Sandretto, Jost and Waite because Declarant does not refer to any aspect of the instant application. Further, Declarant does not claim to have experience in business administration, finance, marketing and other aspects relevant to business forecasting.

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**b) RAUENZAHN Declaration Received June 30, 2008 Re. Application 10/746,673:**

The declaration under 37 CFR 1.132 is insufficient to overcome the rejection of claims 125-150 based upon Sandretto, Jost and Waite because Declarant does not refer to any aspect of the instant application. Further, Declarant does not claim to have experience in business administration, finance, marketing and other aspects relevant to business forecasting.

**c) Cusanza Declaration Received June 30, 2008 Re. Application 10/645,099:**

The declaration under 37 CFR 1.132 is insufficient to overcome the rejection of claims 125-150 based upon Sandretto, Jost and Waite because Declarant does not refer to any aspect of the instant application. Further, Declarant does not claim to have experience in business administration, finance, marketing and other aspects relevant to business forecasting.

**d) BROUS Declaration Received June 30, 2008 Re. Application 10/287,586:**

The declaration under 37 CFR 1.132 is insufficient to overcome the rejection of claims 125-150 based upon Sandretto, Jost and Waite because Declarant does not refer to any aspect of the instant application. Further, Declarant discusses a non patent literature reference which is not related to the rejections of the instant application.

***Applicant Admitted Prior Art***

7. Applicant has failed to traverse the examiner's Official Notice given in the last Office Action regarding the well known nature of renumbered dependent claims 2-62. Therefore, the limitations of claims 2-62 has become Applicant Admitted Prior Art (AAPA) per MPEP MPEP 2104 C 2nd parag. - AAPA - Applic. Admission due to lack of or inadequate Traversal:

If applicant does not traverse the examiner's assertion of official notice or applicant's traverse is not adequate, the examiner should clearly indicate in the next Office action that the common knowledge or well-known in the art statement is taken to be admitted prior art because applicant either failed to traverse the examiner's assertion of official notice or that the traverse was inadequate. If the traverse was inadequate, the examiner should include an explanation as to why it was inadequate.

Applicant has not properly met the traversal requirements of MPEP 2104 regarding the Official Notice taken in the last Office Action regarding claim 126 - induction algorithm; claim 28 - genetic algorithms; claim 130 - entropy minimization, LaGrange, Bayesian and path analysis; claim 131 - tournament use; and claim 132 - a transform predictive



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model. Consequently, these models are now Applicant Admitted Prior Art (hereafter AAPA).

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**8. Claims 125, 126, 129, 133, 134, 137, 140, 141, 144, 148-150 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Sandretto (US Patent 5,812,988) in view of Jost et al. (US Patent 5,361,201, hereafter Jost) and Waite (US Patent 4,441,629).

**Re. Claims 125, 133, 140 & 148**, Sandretto discloses a computer-implemented predictive model method, apparatus, medium and computing infrastructure, comprising: receiving first input data into a plurality of initial predictive models (Fig. 1A-data storage; Col. 14, data processing, entering estimates of economic variables; a plurality of models - Fig. 1; initial predictive models resulting in initial estimates - Col. 14, I. 40);

- receiving an input data set from said initial model configuration (Col. 14, I. 40 – initial estimates) and a second input data as inputs into a second model stage (Col. 14, II. 47 – different estimates; recursive modeling – 44-45); and
- receiving said second model stage output as an input into a third predictive model stage to develop a final predictive model (Fig. 1; Col. 14, II. 44-45; Col. 8, I. 52—col. 9, I. 19 – the iterative, recursive steps which has at least three or more stages in predictive modeling).

The following parts of the claim elements do not have patentable weight because they are non-functional descriptive material:

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- to develop an initial model configuration by selecting a best fit initial predictive model using a tournament after a training of each predictive model type is completed;
- to develop an improvement to said initial model configuration as an output, said second input data comprising one of said first input data, data not included in said first input data, and a combination thereof;
- where said final predictive model supports a regression analysis.

Sandretto does not explicitly disclose an induction model. However, Jost discloses the use of induction modeling (Front page, OTHER PUBLICATIONS, Cronan, et. al.,) in the context of “Real Estate Appraisal Using Predictive Modeling” (Title).

Sandretto does not explicitly disclose use of a stepwise regression algorithm. However, Waite discloses use of a step-wise regression algorithm in the making of correlations and predictions (Col. 3, l. 46; Col. 8, ll. 7-8).

Therefore, an ordinary practitioner of the art at the time of Applicant’s invention would have seen it as obvious to have combined the disclosures of Sandretto and Jost in developing a computer-implemented predictive model method, apparatus, medium and computing infrastructure, motivated by a desire to provide a method for estimating simulated returns, asset values and risk measures using estimated financial variables pertaining to an asset, such as economic variables and asset-specific characteristics (Sandretto, Col. 1, ll. 11-15).

**Re. Claims 126-132, 134-139, 141-147, 149 & 150**, Sandretto generally discloses operation in the context of the claimed methodologies. For example,

**Re. Claim 126, 134 and 141**, wherein said second model stage receives a second input data and an input data set from the initial model configuration and transforms said inputs into a summary comprising a second stage model output (Col. 14, ll. 31-61; Col. 8, l. 52—Col. 9, l. 19).

**Re. Claim 129, 137 & 144**, wherein an initial predictive model is linear regression (Col. 4, l. 66).

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**9. Claims 127, 128, 130, 131 & 132, 135, 136, 138, 139, 140, 142, 143, 145, 146 & 147 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Sandretto in view of Jost, Waite and AAPA.

**Re. Claims 127, 128, 130, 131 & 132, 135, 136, 138, 139, 140, 142, 143, 145, 146 & 147**, neither Sandretto nor Jost or Waite explicitly disclose

127 & 142. wherein an input data set from said initial model configuration comprises the input data to said initial model configuration after training and model selection is complete.

128 & 143. further comprising: using a plurality of independent subpopulations to evolve a plurality of candidate predictive models with a plurality of genetic algorithms to identify a set of one or more changes that will optimize a predictive model output value for a single criteria or multiple criteria.

130 & 145. wherein an induction model is selected from the group consisting of entropy minimization, LaGrange, Bayesian and path analysis.

131 & 146. wherein the use of a tournament to select a predictive model type eliminates a need for multiple processing stages.

132. wherein the final predictive model comprises a transform predictive model.

135. wherein an input data set from said initial model configuration comprises the input data to said initial model configuration after training and model selection is complete.

136. using a plurality of independent subpopulations to evolve a plurality of candidate predictive models with a plurality of genetic algorithms to identify a set of one or more changes that will optimize a predictive model output value for a single criteria or multiple criteria.

139. wherein the use of a tournament to select a predictive model type eliminates a need for multiple processing stages.

147. wherein the machine readable medium comprises a plurality of intelligent agents.

**However**, the steps of claims 127, 128, 130, 131 & 132, 135, 136, 138, 139, 142, 143, 145, 146 & 147 were well known at the time of Appellant's invention. For example, AAPA discloses the limitations of claims 126, 128 and 130-132 as follows: 126 - induction algorithm; 128 - genetic algorithms; 130 - entropy minimization, LaGrange,

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Bayesian and path analysis; 131 – tournament use; and 132 – a transform predictive model

**Therefore, re. claims 127, 128, 130, 131 & 132, 135, 136, 138, 139, 142, 143, 145, 146 & 147,** an ordinary practitioner of the art at the time of Applicant's invention would have seen it as obvious to have combined the disclosures of Sandretto, Jost, Waite and AAPA in developing a computer-implemented predictive model method, apparatus, medium and computing infrastructure making use of numerous modeling and analytical methods, motivated by a desire to provide a method for estimating simulated returns, asset values and risk measures using estimated financial variables pertaining to an asset, such as economic variables and asset-specific characteristics (Col. 1, ll. 11-15).

#### **(10) Response to Argument**

##### **I. Issue 1**

##### **A. Errors 1 - 10 (p. 9, l. 25 - p. 13, l. 9).**

**ARGUMENT:** Re. claims 125-132, Appellant argues that Sandretto and Jost each teach away in various ways.

##### **RESPONSE:**

The arguments fail to refer to the claimed limitations of claims 125-132. As such, the arguments are general allegations unrelated to the claimed limitations. The arguments are without support.

##### **B. Errors 11-44 (p. 13, l. 10 – p. 21, l. 20)**

**1. ARGUMENT:** Re. claims 125-132, Appellant argues that the cited prior art references fail to teach various features of the invention(s).

##### **RESPONSE:**

The arguments fail to connect the detailed limitations to the arguments by failing to provide specific detail as to how the cited passages fail to teach the claimed limitations. The arguments also fail to acknowledge the Applicant Admitted art which was established on the record for dependent claims 2-62, subsequently canceled but reintroduced in claims 126, 128, 130, 131, and 132 by claiming a series of well known

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algorithms such as entropy minimization (Error #23) and LaGrange model (Error #24), Bayesian model (Error #25) and path analysis (Error # 26). This is established on the record in the final rejection, page 5, ll. 9-14, mailed November 12, 2008.

## **2. ARGUMENT Re. Errors 30-32, 33-36 and 37-38.**

**With Errors 30-32 as exemplary:** "Errors 30 through 32 - It is well established that when "the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious. In re Ratti, 270 F.2d 810, 123 USPQ 349 (CCPA 1959)". Errors in the claim rejections caused by the apparent failure to acknowledge the fact that changes in the principles of operation of Sandretto will be required to replicate the invention described in claim 125, claim 126, claim 127, claim 128, claim 129, claim 130, claim 131 and claim 132". (p. 15, l. 23 – p. 16, l. 18).

### **RESPONSE:**

Appellant makes an improper citation of case law. The argument has a similar foundation as the teaching away argument. A combination which changes the principle of operation of the prior art has technical foundations and requirements. This can be seen in the court's detailed opinion in the case of W.L. Gore & Associates v. Garlock, Inc. This involves a teaching of "stretching said (unsintered) PTFE at a 10% per second rate to more than five times the original length. .... A reference teaching rapid stretching of conventional plastic polypropylene with reduced crystallinity combined with a reference teaching stretching unsintered PTFE, would not have suggested rapid stretching of highly crystalline PTFE, in light of the disclosures in the art that teach away from the invention, i.e., that the conventional polypropylene should have reduced crystallinity before stretching, and that PTFE should be stretched slowly". Having read this court opinion, the examiner concluded that the relevant aspect of the opinion turned on the court's finding that a technical error had been argued in the justification of an obviousness combination of two teachings. The court finding of a technical distinction in this case could not be clearer. The court found that the combination of the properties of two unrelated polymers was technically incompatible and thus the teachings could not

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be properly combined. Thus the court followed common sense logic, which was declared as legitimate in the Supreme Court's KSR decision. This court illustration demonstrates that the "changing of the principle of operation" doctrine and the "teaching away" doctrine have essentially the same limited, narrow technical validity of a common sense variety. In the instant case of a business method, whether computer processor software automated or hand operated, the processes have few if any real technical limitations and/or barriers of the above scientific and/or technical nature found in the properties of materials. Further, the ordinary practitioner who is developing a business process would have no motivation for taking an entire process from the prior art such as those of Sandretto, Jost and Waite and attempt to merge the system designs and code together. The above rejections only take narrow teachings and suggestions from the references exactly for this reason. The practitioner either is knowledgeable in each of the majority of business method art areas necessary for a business method invention for patent or more often is composed of a plurality of inventors (i.e. an "A et al." grouping). The needed knowledge and skills for this reason are one or more each of a business specialist (e.g. marketing, investment banking, manufacturing process, advertising, quantitative methods such as forecasting, etc.), a systems analyst/designer, a programmer, and a hardware specialist. Thus the practitioner entity would not seek to combine a plurality of full processes but would merely incorporate narrow teachings and suggestions which he/they need to complete the functionality of the particular process purpose(s) output they are working on. The inventor practitioner entity would thus develop his/their own system design, code and hardware for operating the method steps. Such practitioners would see no benefit to attempting to somehow drag the entire processes of two or more prior art references and merge them together since no technical factors would require such mergings and no net benefits would be apparent. Therefore, Appellant would have to demonstrate why a software driven computerized process cannot combine a variety of narrow teachings and suggestions to achieve a desired overall process. Thus, an ordinary practitioner would have seen it as obvious to only take narrow teachings and suggestions in building a business process, including the claimed analytical process steps since software steps or human process

steps can be modified virtually ad infinitum.

**3. ARGUMENT re. claims 39-41 (general argument with Error #39 as exemplary).**

"Errors 39 through 41 - The claim rejections are based on 35 U.S.C. §103(a) which states: A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title [35 USC 102], if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made. Errors in the claim rejections caused by the apparent failure to meet any of the statutory requirements for claim rejection include:

Error #39) Is a failure to acknowledge the fact that the cited documents fail to teach or suggest the subject matter as whole. As illustrated by the preceding discussion, the obviousness rejections appear to be based on a non-existent standard for obviousness "mentions some of the same words as another document" instead of "teaches or suggests the subject matter as a whole" as there is no aspect of the rejected claims that are taught or suggested by the cited documents. It is also well established that the *"Patent and Trademark Office (PTO) must consider all claim limitations when determining patentability of an invention over the prior art."* *In re Lowry*, 32 F.3d 1579, 1582 (Fed. Cir. 1994). As detailed under errors 1 through 38, it does not appear that any of the limitations were actually considered." (p. 18, l. 13 – p. 19, l. 35)

**RESPONSE:**

- a) The general argument mixes up the obviousness statute (103(a)) with the anticipation statute (102). The rejections are based on the 35 USC 103(a) statute.
- b) There is no requirement references under 35 USC 103(a) to must teach a given subject matter "as a whole".
- c) The relevant portion of the obviousness statute is taken from the rejections under 35 USC 103(a) above:  
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be

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patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. (underlining added).

d) *In re Khan*:

“A suggestion, teaching, or motivation to combine the relevant prior art teachings does not have to be found explicitly in the prior art, as the teaching, motivation, or suggestion may be implicit from the prior art as a whole, rather than expressly stated in the references. . . . The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art. *In re Kotzab*, 217 F.3d 1365, 1370 (Fed. Cir. 2000). However, rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *See Lee*, 277 F.3d at 1343-46; *Rouffett*, 149 F.3d at 1355-59. This requirement is as much rooted in the Administrative Procedure Act, which ensures due process and non-arbitrary decisionmaking, as it is in § 103. *See id.* at 1344-45.” *In re Kahn*, Slip Op. 04-1616, page 9 (Fed. Cir. Mar. 22, 2006).

Thus, as stated above, unlike in the case of chemical and physical reactions when combinations are made which must obey narrow proven physical phenomena, computer software driven processes can be taken in pieces according to the ordinary practitioner’s need. Courts have ruled that such facts of the circumstances must be carefully considered in determining what the ordinary practitioner would have seen in solving his problem based on disclosures in the prior art.

In this instance, the examiner has met the standards reconfirmed by *In re Kahn* stated above. The examiner has pointed to a combination of explicit, implicit, suggested and obvious reasons, and to the knowledge of the ordinary practitioner in consideration of the problems to be solved, supported by articulated reasoning with some rational underpinning to support the legal conclusion of obviousness in making the rejections of independent claims 125-150 under the 35 USC obviousness statute, in view of the manner in which the claims are written, which contain serious indefiniteness issues as



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are rejected above under the 35 USC 112-2<sup>nd</sup> paragraph.

**Errors 42-44**

**ARGUMENT:**

Error #42 – broad and indefinite arguments under KSR and *In re Kahn* unrelated to the claim limitations and sweeping across of errors 1 through 41.

Errors 43 and 44 – broad and sweeping arguments under *In re Zurco* and the Administrative Procedures Act covering errors 1 through 42 without reference to claim limitations and specific prior art citations.

**RESPONSE:**

The examiner is unable to respond to the arguments due to their indefiniteness.

**II. Issues 2 through 13**

**ARGUMENTS:** The arguments cover errors 1 through 44 in broad generalities under 35 USC 103(a) and KSR, among other case law.

**RESPONSE:**

The examiner is unable to respond to the arguments due to their indefiniteness.

**III. Issue 14**

**Appellant amends claims 127, 129, 130, 135, 137, 138, 142, 144 and 145 (page 48, II. 11-13).**

**RESPONSE:**

Only cancellations of claims are permitted after final rejection.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Siegfried E. Chencinski/

Examiner, Art Unit 3695

Conferees:

/Charles Kyle/, SPE

Alexander Kalinowski/AK/

Supervisory Patent Examiner, Art Unit 3691